

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ARTHUR BRENNAN MALLOY)

AIS #101329,)

Plaintiff,,)

v.)

DAVID WISE, *et al.*,)

Defendants.)

Civil Action No. 2:09cv0467-ID

ORDER

Before the court are the Recommendation of the Magistrate Judge and Plaintiff's Objections. (Doc. Nos. 10 and 12.) Having conducted a *de novo* determination of those portions of the Recommendation to which objections are made, it is CONSIDERED and ORDERED as follows:

1. The Recommendation of the Magistrate Judge be and the same is hereby ADOPTED, APPROVED and AFFIRMED.
3. The 28 U.S. C. § 2254 petition for habeas corpus relief filed by Arthur Brennan Malloy on May 15, 2009, be and same is hereby DENIED and DISMISSED in accordance with the provisions of 28 U.S.C. § 2244(b)(3)(A), as Malloy has failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing this court to consider his successive habeas application.

DONE this 13th of August, 2009.

/s/ Ira DeMent

SENIOR UNITED STATES DISTRICT JUDGE